

Nadler Reiterates Need to Fix Inequalities in Immigration Law

Wednesday, 03 June 2009

WASHINGTON, D.C. – Today, Congressman Jerrold Nadler, chair of the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, argued the pressing need to pass the Uniting American Families Act in both the House and Senate in order to remove wanton discrimination against same-sex couples from federal immigration law. Nadler, the House sponsor of the bill since its inception in 2000, testified before a Senate Judiciary hearing on the companion Senate bill, introduced by Senator Patrick Leahy, and cited the fundamental inequality currently written into the law.

“Perhaps the worst kinds of injustice are those in which the law acts, perhaps unintentionally, in a gratuitously cruel manner that harms individuals for no purpose,” said Rep. Nadler. “Our unequal immigration laws wreak havoc on the lives of thousands of binational couples and families across the country. Tens of thousands of gay and lesbian Americans face a terrible choice between leaving the country to be with the person they love or remaining here in the United States and separating from their partner. It is this kind of injustice, this kind of gratuitous cruelty, that motivated me to introduce – and continue reintroducing – the Uniting American Families Act. Gay and lesbian Americans in loving, committed relationships deserve the same rights as everyone else.”

The Uniting American Families Act, which will become a component of Rep. Michael Honda’s family reunification bill, to be introduced tomorrow, would allow lesbian and gay Americans to sponsor their permanent partners for legal residency in the United States, a right currently enjoyed only by married heterosexuals under immigration law. Because the U.S. does not legally recognize lesbian and gay couples and their children as families, many same-sex binational couples are subsequently torn apart.

UAFAs would add the term “permanent partner” to those sections of the Immigration and Naturalization Act that apply to legally married couples. “Permanent partner” is described as an adult who is in a committed, intimate relationship with another adult in which both parties intend a lifelong commitment. This legislation would afford equal immigration benefits to permanent partnerships as exist for married heterosexuals, and it would impose the same restrictions, enforcement standards and penalties as are currently in immigration law.

The following is Nadler’s testimony before the Senate Judiciary Committee:

“Good morning Chairman Leahy, Ranking Member Sessions, and distinguished Members of the Senate Judiciary Committee. Thank you very much for holding this important hearing on the Uniting American Families Act. As the sponsor of this legislation in the House, I appreciate the opportunity to testify today and to offer my thanks to Chairman Leahy for sponsoring the Uniting American Families Act in the Senate and for being such a tremendous champion of the issue. I know the Committee is on a tight time schedule, so I will be brief.

“I have always found that among the worst kinds of injustice are those in which the law acts, perhaps unintentionally, in a gratuitously cruel manner – that is to say, it harms individuals for no purpose. It is this kind of injustice, this kind of gratuitous cruelty, that the Uniting American Families Act would correct.

“I first introduced the Uniting American Families Act in the year 2000 after hearing from constituents and others about the pain that immigration laws were inflicting on their lives. Just because they were gay or lesbian, these Americans were not allowed to sponsor their partners for immigration purposes.

“What this unequal policy means is that tens of thousands of gay and lesbian Americans face a terrible choice

between leaving the country to be with the person they love or remaining here in the United States and separating from their partner. Or, given the law in the other country, it may be impossible for the two partners to be together in either country. This runs directly counter to the goal of family unity, which is supposed to be the bedrock of American immigration policy.

“We can right this wrong by passing the Uniting American Families Act. It is very simple — it would give same-sex couples the same immigration benefits as opposite-sex couples. Same-sex couples would have to prove the bona fide nature of their relationship, just as opposite-sex couples do, or face the same harsh penalties for fraud.

“Our unequal immigration laws wreak havoc on the lives of thousands of binational couples and families across the country. It does not have to be that way. We can end this injustice and stop this gratuitous cruelty right now by passing the Uniting American Families Act.

“Thank you again for holding this hearing and providing me with the opportunity to testify.”